

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

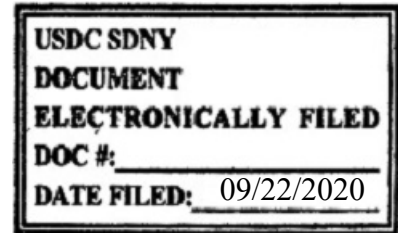
DEBRA JULIAN, et al.,

Plaintiffs,

-against-

METROPOLITAN LIFE INS. CO.,

Defendant.



17-CV-957 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

By order dated June 30, 2020 (June 30 Order) (Dkt. No. 188), the Court authorized defendant MetLife to conduct depositions of 13 additional opt-in plaintiffs, which (together with the 7 depositions already conducted) would permit defendant to conduct a total of 20 depositions (out of 80 opt-in plaintiffs). June 30 Order ¶ 1. Defendant was also authorized to serve certain written discovery requests on the opt-in deponents. *Id.* ¶ 2. The June 30 Order set the close of pre-certification class discovery as August 28, 2020, *id.* ¶ 6, which was thereafter extended to September 21, 2020 for the limited purpose of completing responses to existing discovery requests and conducting the authorized depositions. (Dkt. No. 202.)

Since then, two of the opt-in plaintiffs selected for deposition, Janet Engle and Sarah Martinec, have withdrawn from this case. (Dkt. Nos. 204, 208.)

The Court is now in receipt of:

(a) defendant's letter-motion dated September 11, 2020, seeking to compel opt-in plaintiff Sarah Martinec to respond to discovery requests and appear for deposition (Dkt. No. 206), together with plaintiffs' opposition thereto (Dkt. No. 209);

(b) defendant's letter-motion dated September 15, 2020, seeking to serve discovery on and depose opt-in plaintiff Sandi Day in place of former opt-in plaintiff Janet Engle (Dkt. No. 207), together with plaintiffs' opposition thereto (Dkt. No. 211);

(c) defendant's letter-motion dated September 21, 2020, seeking to serve discovery on and depose opt-in plaintiff Mia Cornelius in place of former opt-in plaintiff Sarah Martinec (Dkt. No. 212); and

(d) defendant's letter-motion dated September 21, 2020, seeking to compel opt-in plaintiff Kimberlee Doerr to respond to discovery requests and appear for deposition (Dkt. No. 213).

It is **HEREBY ORDERED** that:

1. The letter-motion seeking to compel discovery from opt-in plaintiff Sarah Martinec (Dkt. No. 206) is **DENIED AS MOOT**.

2. Judge Moses will conduct a telephonic status conference to address the remaining letter-motions on **September 24, 2020, at 11:00 a.m.** At that time, counsel are directed to call the Court's conference line **(888) 557-8511** and enter the access code **7746387**. **Please treat the conference as you would a public court appearance. If a conference or hearing in another matter is ongoing, please be silent (mute your line) until your case is called.**
3. Plaintiffs shall file any letter-briefs opposing or otherwise responding to Dkt. Nos. 212 and 213 no later than **September 23, 2020 at 12:00 noon**.
4. It is the Court's intention to permit MetLife to conduct discovery, including depositions, of a total of 20 opt-in plaintiffs, as authorized by the June 30 Order, at least to the extent it has made timely requests for substitution in response to the non-cooperation or withdrawal of a previously selected opt-in plaintiff. At the conference, the parties should be prepared to discuss how to most efficiently accomplish that goal.

The Clerk of Court is respectfully directed to close the letter-motion at Dkt. No. 206.

Dated: New York, New York
September 22, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge